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| 10/686,453 | 10/15/2003 | Lisa M. Reisman | REI-008 | 6859 |
| 32211 | 7590 | 11/01/2005 | EXAMINER | |
| MARK S. HUBERT 3816 NE 136TH PLACE PORTLAND, OR 97230 | | | SOOHOO, TONY GLEN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1723 | |

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,453

Applicant(s)

REISMAN, LISA M.

Examiner

Tony G. Soohoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

Claim Rejections - 35 USC § 112

1. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not provide sufficient disclosure that the deformable bottom seal is non-removable as claimed in claim 1. The original disclosure does not provide sufficient disclosure that the interlocking mechanical system of unidirectional toothed ramps are non-reversible as claimed in claim 5. The original disclosure does not provide sufficient disclosure that the interlocking mechanical system of unidirectional toothed ramps are non-reversible as claimed in claim 5. This is a new matter rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Foss 3010598.

The Foss '598 reference, see entire document, see especially figures 7-9, or figure 20, discloses multiple connectable containers 11 with a cylinder configuration,

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shoulder 74 and neck 73 and thread at 76 , a removable top seal and cap 77, non removable bottom seal 82, see especially figure 20 and bottom threaded indentation 78, 81, It is note that the seal diaphragm 82 is severable or ruptured, see claim 1 or in the specification, or ruptured in a non-removable manner of operation as seen in figure 8 and figure 20, column 6, lines 20-43, since the bottom seal diaphragm lies across the bottom opening of the container and when severed, or ruptured the bottom seal is never completely removed from the opening as clearly seen in figure 20, thus it is deemed as being a non removable deformable bottom seal to the extent of applicant's device of applicant's figure 2. With regards to the shoulder, note that the shoulder provides for an adaptation for the thread which provides a fluid tight seal when two containers are attached together.

With regards to claim 2 note the cap 29.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foss 3010598.

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Foss '598 reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of having an elastomeric gasket atop the shoulder to seal against the indentation on neck.

The use of gaskets between fluid threaded couplings are old and well known in the art so as to prevent leakage.

It is deemed that it would have been obvious to one of ordinary skill in the art to provide for the shoulder neck and indentation bottom of the Foss reference with a gasket there between in order to provide a better seal in order to prevent leakage when multiple containers are coupled.

With regards to claim 4 note that sanitary seal plug 19

With regards to claims 14-15, Foss '598 discloses all of the recited subject matter as defined within the scope of the claims with the exception of the scoring pike 18 disposed on the interior of the upper neck of 12 in contrast to the lower internal spout 13, 17, this configuration is merely a reversal of the arrangement shown by Foss '598. Since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art, [In re Einstein, 8 USPQ 167.], it is deemed that it would have been obvious to one of ordinary skill in the art to reverse the pike 18 of the Foss reference to the upper mouth neck portion 12 so as provide better a means to pierce a seal upon the lower internal spout section.

6. Claims 5-6 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foss 3010598 in view of Ochs et al 5346082.

The Foss '598 discloses all of the recited subject matter as defined within the scope of the claims with the exception of unidirectional ramps to prevent disengagement of the neck with the indentation. Note that the ramps are not positionable to be reversed therefore the interlocking toothed ramps are deemed as being non-reversible.

The Ochs reference discloses and would teach to a person having ordinary skill in the art that one may provide locking ramps 37, 63 to couple a cap with a ramp 23 on a container opening to permit locking between the two connection couplings and inhibit unwanted disengagement of the cap with the opening during a threaded coupling of the two coupling elements.

In view of the teaching of the Ochs reference, it is deemed that it would have been obvious to one of ordinary skill in the art to provide with the container indentation of the Foss' device with corresponding ramps in order to prevent unwanted disengagement of the threaded coupling between the two containers.

7. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foss 3010598 in view of Goyet et al 5277303.

The Foss '598 discloses all of the recited subject matter as defined within the scope of the claims with the exception of the lower indentation recess having a rigid disk in contrast to the seal (claim 7) and protrusions on the disk (claim 8). The reference to Goyet et al discloses that a rigid disk 10 may be placed at an opening 9 whereby an abutment surface 24a is threaded to displace and engage the edge of the disk 10 so as

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to move open the rigid disk 10, see figure 5-6. It is furthermore Goyet teaches the use of a recess ramp s and button ramp 28 which provides locking of the lower container with the upper container together when fully connected.

In view of the teaching by the Goyet reference that one may use a rigid disk as a seal between the coupled containers, it is deemed that it would have been obvious to one of ordinary skill in the art to modify the seal and seal removal means of the Foss reference with a rigid disk which is removed by the abutment of the threaded end of the lower container so that it may be more easily constructed, whereas the seal closure of Goyet is a merely nothing more than a functional structural equivalent of the seal closure to the pierced type as shown by the Foss reference.

With regards to the issues of being partially removable, the language is deemed as being directed to a functional recitation to the operation of the device, and has been afforded little structural distinction of the disk structure itself. None the less one may operative the device to partially urge the disk from seating from the cylindrical wall during disengagement.

With regards to claim 8 the absent any unexpected results to the shape of a protrusion, the protruding surface upon the disk which provides a surface to positively engage the end of the threaded member. Absent any unexpected result of the surface protrusion, the choice of the shape of the protrusion is deemed as a change in shape without any unexpected result and thus deemed obvious to a person having ordinary skill in the art to modify the protrusion surface to a more efficient engagement surface.

Allowable Subject Matter

8. Claims 9-13 are rejected but is dependent upon a rejected base claim under 35 USC 112, 1st paragraph with regards to new matter, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and the removal of the subject matter which necessitated the new matter rejection of the claims.

Response to Arguments

9. Applicant's arguments filed 8-19-2005 have been fully considered but they are not persuasive.

10. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection. See the rejection above with regards to new issued presented by the amendment to the claims.

11. All claims are now rejected.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7-5PM, Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tony G Soohoo
Primary Examiner
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